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SIPDIS

SENSITIVE
SIPDIS

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SUBJECT: KAZAKHSTAN: AMBASSADOR DISCUSSES AIG AND TIP WITH JUSTICE
MINISTER

REF: A) ALMATY 1450, B) ASTANA 33, C) ASTANA 5

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¶1. (SBU) SUMMARY: The Ambassador met with Minister of Justice Zagipa Baliyeva on April 18 in Astana. Baliyeva announced that she had signed the AIG settlement agreement that afternoon and the Ministry of Finance was expected to arrange payment shortly. The Ambassador raised concerns about statistics produced by the Ministry of Justice (MOJ) for the Trafficking in Persons (TIP) Report. Baliyeva acknowledged some problems, while highlighting progress over the past year and plans to address weaknesses in anti-TIP efforts. Also attending the meeting was Timur Isabekov, the new Head of the Department of International Relations, who previously worked on resolution of the AIG case. End Summary.

AIG: SIGNED AT LAST

¶2. (SBU) Baliyeva opened the meeting by announcing that she had signed the AIG settlement agreement hours earlier, that very afternoon. Clearly relieved that the matter was settled, Baliyeva raised a "toast" to the occasion with mineral water. The Ministry of Finance is expected to arrange payment of the settlement without delay (see Ref A).

ANTI-TRAFFICKING: PROGRESS AND AREAS FOR IMPROVEMENT

¶3. (SBU) Turning to TIP, Baliyeva proudly pointed to Kazakhstan's progress in combating trafficking in persons over the past year, including March passage of TIP amendments (Ref B) and the April 10 adoption of the 2006 - 2008 National Plan of Action to Combat TIP ("National Plan"). Since her February meeting with the Ambassador (Ref C), Baliyeva has ordered monthly meetings of the TIP interagency working group, which she invited Poloff to attend. She noted that the MOJ was expanding distribution of its TIP education and prevention booklet (Ref C) to grade schools and to international airports and train stations within Kazakhstan.

¶4. (SBU) The Ambassador commended Baliyeva on these achievements, but noted that the number of prosecutions for TIP

in 2005 was low, and the GOK had had a difficult time providing statistics Post requested. While praising the hard work done by police and prosecutors in combating TIP crimes, Baliyeva acknowledged the problem and promised to raise the issue at a meeting of the TIP commission and come up with recommendations to appropriate agencies on how to improve. She pointed to two legislative changes that would improve the GOK's law enforcement response to TIP: the March TIP Amendments and the proposed national program of legal development, currently being discussed at the interagency level, which creates a stronger role for defense lawyers in the judiciary process. Investigators, Baliyeva believed, would have to sharpen evidence collection skills to bring successful convictions in all criminal cases.

15. (SBU) Ambassador Ordway noted the increasing international attention devoted to combating TIP, an area where the U.S. has long had an interest. He mentioned the upcoming May 18-19 OSCE regional anti-trafficking conference in Astana, which will put Kazakhstan in the spotlight, giving the GOK a chance to show how far it has come. Baliyeva said that she would be attending the conference and planned to make a presentation.

LEGISLATIVE INITIATIVES

16. (SBU) The MOJ, which acts as a legal think tank, is the principal drafter of civil and administrative legislation within the government. Baliyeva mentioned three working groups that are currently working on a significant body of amendments to the civil and administrative codes, and to several statutes. She noted that a fourth working group under the Procurator General's Office is working on reforms to the Criminal and Criminal Procedure codes. (Note: No further information was given as to the subject matter of the proposed amendments. End note.)

PENAL REFORM AND ALTERNATIVE SENTENCING

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17. (SBU) Baliyeva turned next to prison supervision issues. Over the past few years, Kazakhstan has reduced prison populations by decriminalizing certain minor offenses, by developing a system of alternative punishments, and by granting amnesty for certain crimes. (Note: President Nazarbayev announced a large scale amnesty for the New Year, which is currently being implemented. End note.) With OSCE technical assistance, the MOJ is working on wider implementation of probation as an alternate sentence. Baliyeva estimated that 44,000 prisoners are currently in the system, but she expects that 2,000 will be released under the amnesty, bringing Kazakhstan to 35th place worldwide in terms of number of prisoners. Successful implementation of probation and other elements of the national legal program would result in further reduction of the number of prisoners.

18. (SBU) Besides reducing the prison population, the MOJ plans to reduce overcrowding by building eight new low- security men's prisons, each housing 300 prisoners. The new prisons will meet international standards, and will have libraries, gyms, and visitors' rooms. Future programs will improve conditions in women's prisons and juvenile detention facilities. Baliyeva was proud to announce that she reached an MOJ agreement with the Education Ministry to open a separate department at law institutes to train specialists to work with prisoners and prison staff.

TRACY